

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEWAN JOHNSON,

Plaintiff,

Case No. 17-11031

v.

Honorable John Corbett O'Meara

CITY OF DETROIT and WILLIAM
MORRISON, jointly and severally,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff Dewan Johnson recently filed an amended, five-count complaint in this court alleging the following causes of action: Count I, violations of 42 U.S.C. § 1983; Count II, violations of 42 U.S.C. § 1983 for failure to train; Count III, assault; Count IV, intentional infliction of emotional distress; and Count V, conversion.

Although the two counts arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts III, IV and V are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs,

282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts III, IV V are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: June 2, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 2, 2017, using the ECF system.

s/William Barkholz
Case Manager